

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**MONROE DIVISION**

**HELENA CHEMICAL COMPANY                   \*   CIVIL ACTION NO. 12-3018**

**VERSUS   \*   JUDGE JAMES T. TRIMBLE, JR.**

**SHANNON GILL d/b/a C & S FARMS       \*   MAG. JUDGE KAREN L. HAYES**

**ORDER**

Before the undersigned Magistrate Judge, on reference from the District Court, is a motion to compel production of documents and associated request for reasonable expenses and fees [doc. # 30] filed by Plaintiff Helena Chemical Company (“Helena”).<sup>1</sup>

On August 8, 2013, Helena issued a subpoena to Defendant Shannon Gill for her to appear and to produce certain documents at an August 22, 2013, deposition. *See* Subpoena; M/Compel, Exh. C. Although Gill provided some of the requested documents, she failed to produce: (a) Bank statements for January 2011 through May 2012 on Winnsboro State Bank, Acct. No. 4492021 in the name of Chad Gill, Shannon Gill and C & S Farms, and (b) a copy of the deed and mortgage on Defendant’s house at 1005 Highway 622, Mangham, Louisiana. Despite subsequent assurance(s) and a conference between counsel, Gill did not remedy the discovery shortfall.

Accordingly, on October 8, 2013, Helena filed the instant motion to compel. Gill,

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<sup>1</sup> As this is not one of the motions excepted in 28 U.S.C. § 636(b)(1)(A), nor dispositive of any claim on the merits within the meaning of Rule 72 of the Federal Rules of Civil Procedure, this ruling is issued under the authority thereof, and in accordance with the standing order of this court. Any appeal must be made to the district judge in accordance with Rule 72(a) and L.R. 74.1(W).

however, did not file a response; thus, the motion is deemed unopposed. *See* Notice of Motion Setting [doc. # 31]. Upon consideration of the foregoing,

IT IS ORDERED that Helena's motion to compel [doc. # 30] is hereby GRANTED.

Within fourteen (14) days from the date of this order, i.e. by **November 26, 2013**, Defendant Gill shall respond fully and completely to Helena's document production subpoena by providing Helena with the missing documents as specified above.<sup>2</sup> Fed.R.Civ.P. 45(e) and/or 37(a).

IT IS FURTHER ORDERED that Helena's request for reasonable expenses and fees is GRANTED. Fed.R.Civ.P. 37(a)(5); 45(e). Given the relatively straight-forward motion, and the amount of time that reasonably should have been incurred to prepare and file same, the court awards a total of \$300.00 in favor of Helena and against Defendant Shannon Gill as reasonable expenses and fees.<sup>3</sup>

THUS DONE AND SIGNED at Monroe, Louisiana, this 12<sup>th</sup> day of November 2013.

  
KAREN L. HAYES  
U. S. MAGISTRATE JUDGE

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<sup>2</sup> By failing to timely respond to the discovery, and in the absence of good cause shown, Defendant has waived her right to object to the discovery requests. *See Louisiana Generating, L.L.C. v. Illinois Union Ins. Co.*, Civ. Action No. 10-516, 2011 WL 6259052 (M.D. La. Dec. 14, 2011) (and cases cited therein).

<sup>3</sup> This amount is in addition to the \$5,272.50 in fees and costs previously awarded by the District Court. *See* May 14, 2013, Judgment [doc. # 28].